

## **Summary of Comments Received at the Cumulative Impacts and Precautionary Approaches Work Group Meeting on the Draft California Communities Environmental Health Screening Tool (CalEnviroScreen):**

Friday, January 11, 2013

Coastal Hearing Room, Cal/EPA Headquarters Building, Sacramento, California 94814

The most recent Cumulative Impacts and Precautionary Approaches (CIPA) Work Group meeting in Sacramento focused on presentation of the major revisions to the first draft of CalEnviroScreen that culminated in its second working draft. In addition to the CIPA Work Group members in attendance, the meeting attracted a group of about 25 participants that included members of several environmental groups, business and industry representatives, and a number of government representatives. To name a few, representatives from the California Rural Legal Assistance Foundation, the Center for Creative Land Recycling, and the Community Water Center were present as well as representatives from APCO Worldwide and Southern California Gas Company. From the government, representatives from Sacramento County, US EPA Region 9, and Cal/EPA's boards and departments also attended.

Staff sought comments and suggestions related to the public input process undertaken since the first draft was released last summer, the modifications to the tool that resulted from the public input and the guidance memorandum on use of the tool. Numerous comments were made at the meeting and are grouped and described below. Comments made more than once were consolidated and placed in the most appropriate category. The Work Group members' comments are shown separately from public comments.

### **Public input process:**

#### **Work Group comments/questions**

- Thorough effort in public input process
- Would like to hear responses to the comments and questions raised at the academic panel meeting
- Should make meeting summaries and other materials available in a form for those without internet access
- Glad to see changes consistent with academic panel comments

#### **Public comments/questions**

- Applaud the Office of Environmental Health Hazard Assessment's (OEHHA) effort and the changes that have been made already after the meetings
- Should improve method of notification for meetings

## Modifications to the tool/suggestions for additional changes:

### Work Group comments/questions

- Would it make sense to split pollutants for impaired water bodies into two categories such as 'ecological impairments' and 'human health-related impairments'?
- Should provide definition of 'referred sites' for Geotracker data in document
- Have primary languages contributing to linguistic isolation been identified? Would providing materials in these languages fix this problem?
- Using percentiles to group data may lose acute/extreme situations
- Were special considerations taken for ZIP Codes that represent universities, prisons, etc.?
- Population weighting should be used
- ZIP Codes have arbitrary boundaries; could use judgment and population distributions to extend ZIP Codes to more natural boundaries
- Health impacts of exposures like ozone and PM 2.5 are known; maybe this information could be incorporated, for example by weighting those indicators more heavily
- Explain definition for 'Race/ethnicity' indicator better
- 'Race/ethnicity' indicator is a complicated variable; much variation in burden exists between different ethnicities
- Do not think that the multiplication in the model is justified because the indicators are correlated and wants to hear other ways to set up the formula for the final score
- Would like to see a sensitivity analysis
- Narrative regarding vulnerability refers to one's vulnerability to pollutants only, which is a narrow view and sounds like a cause and effect relationship which may not be justified.
- Vulnerability relates to socioeconomic factors, like lack of access to health care, in addition to exposure to pollutants
- Including traffic, PM 2.5, and diesel PM indicators seems like over-counting
- Maps can mislead because they really only give a qualitative level of accuracy, not quantitative; sharp boundaries are not reflective of reality
- Over-weighting can take away from the level of discreteness that you want to show
- Confounding factors should be removed from analysis

- Worried that waste sites and facilities are identified as triggering a rating factor—all these facilities have permits and are regulated; why is this happening for the waste industry but not for other industries?
- Permitted facilities often have a ton of information while unpermitted facilities do not; sliding scale could be used to account for this; unpermitted places cannot have violations because there are no permits to violate
- For EnviroStor, maybe a two-tiered system (open vs. closed) would be better because current system may actually be reflecting limitations of staff time or other departmental issues rather than environmental hazards
- Concern that lack of activity at a waste site doesn't necessarily mean lack of hazard
- Hope that better data for non-production agriculture pesticide use is available for use at some point
- Could expand pesticide subset to include those chemicals that might not be volatile but that adhere to soil, like maneb
- The subpopulation of people who catch and eat fish from polluted water bodies (e.g. the bay and delta) are not captured in this tool
- How useful is noting proximity to an impaired water body if the water body in question isn't being used or doesn't pose an actual hazard?
- Changing to the Census Tract scale analysis will help to normalize by population—need to assess whether that is what is desired
- For Environmental Effects indicators, maybe density is more important than a straight count

#### Public comments/questions

- Are hazardous waste facilities, incinerators, and other significant sources of pollution located on tribal land reflected or counted in the tool?
- Want more explanation of how it was decided to give half-weight to the Environmental Effects indicators
- Caveats in text saying to be careful not to conclude causation should be emphasized more
- Large discrepancy of different risks posed by different indicators when compared to local air districts' annual list of risks based on AB 2588
- Even with the half-weighting, still seems like Environmental Effects are weighted too much
- Retention of decimal places implies that the method does not do a good job of distinguishing neighborhoods

- Concern over use of NATA database for diesel PM—do not think the database was intended for this purpose
- Method needs less resolution, e.g. 2x2 matrix suggested at academic workshop
- The role of health-based standards is not taken into account; should compare communities to these standards not just amongst themselves
- The built environment affects public health and should be taken into consideration
- Airports should be included as a pollution source
- Air basins would be better geographical unit than ZIP Codes
- Using the sums of facilities in a ZIP Code for the Environmental Effects indicators will over-weight large ZIP Codes because they can physically contain more facilities
- Regarding EnviroStor site types and statuses: it's not possible to have a site type of 'awaiting evaluation' with a status of 'completed'; should account for the fact that some combinations are not possible
- Consider differences between EnviroStor sites that pose a threat and those that don't; suggest that the indicator focuses on sites that are open
- Using Census data for the population characteristics describes homes, not necessarily where people spend most of their time
- Standardizing buffer distances implies that the effects of the hazards are the same across the board
- Why are only two contaminants used to characterize air pollution?
- Newer data should be used for air pollution indicators
- If sliding scale is incorporated for sites that are already regulated, should be sure to factor in chronic permit violations
- Regarding Groundwater Threats indicator, are agricultural sources and other sources included or just point source threats?
- Regional boundaries are important but it's also important to make sure there is adequate data within those boundaries, for example, many places have poor data on air quality, tribal lands are underreported
- In addition to releasing the .kml file for web viewing, it would be helpful to post the shape files (individual layers AND composite layers) to the Cal Atlas website ([atlas.ca.gov](http://atlas.ca.gov))
- Can the maps be made available in ArcGIS so that others can superimpose them on their own layers?
- What is the plan and timeframe for improvements to the tool to include drinking water, census tracts, and health information on cardiovascular disease?

- Is there a plan to enable regional rankings? This was recommended by a number of the members of the academic panel and would be a good addition to the current tool
- How do the top areas identified by this tool compare to those identified by other tools like EJSM?

### **Guidance document/use of tool:**

#### Work Group comments/questions

- Would like more details on how this tool will be applied, e.g. through SB 535
- Certain uses might require different scoring methods if variations are possible
- Should state explicitly in report that reviews will be made and new information and data will be considered and incorporated and the timeline for these activities
- How can negative impacts (like decreasing home prices in darker areas) be mitigated?
- Worry that the data will be used improperly
- Ready to support this document as ready to be used
- Want more information about the timeline regarding further actions like the census tract analysis and the drinking water indicator
- Want to work further with Cal/EPA to refine the language in the memorandum; some language is still vague, want more guidance for applications beyond the SB 535 context
- Saying the model is not a risk assessment implies that it should not be used for regulation
- Working with local jurisdictions could allow for more sensible boundaries to be drawn
- Need to try to ensure correct interpretation by the public
- Dismayed at how the uses of the tool has diverged from where OEHHA started out in setting up the Work Group. The enormous amounts of discretion that can be used to comply with clean air laws, etc. could be used when implementing this tool as well
- There may be new regulatory requirements that need to be developed to address the issues identified by this tool
- CEQA is supposed to identify alternatives—if one alternative is a blue ZIP Code and another alternative is a white ZIP Code, this should factor into implementing

CEQA. Not letting this tool be used in that way is ignoring the original intent and purpose

- A lot of great tools like this one have been developed over the years, implementation process seems to fall out
- Prioritization of incentives for things like AB 32 is a great use of this tool
- Need to be clear that this cannot be used as a substitute for CEQA; words in memo are still too vague
- Guidance should state that the tool does not capture surface water quality or beneficial uses
- Don't want this tool to be used to keep economic resources or other projects from communities that need economic investment
- There are other ways to reduce pollution burden besides using this tool
- This will help to prioritize mitigation in water contamination rather than that process just relying on the squeakiest wheel as was done previously
- Don't think this tool should be used to design regulation, just to identify highly impacted areas that need reduction of cumulative impacts

#### Public comments/questions

- There should be a one year pilot period before actually releasing the tool
- Should make clear that the tool is to be used for planning only, to target communities which may be in need of grant funding to improve its burdens or vulnerabilities
- Should use this as a preventative tool
- This tool seems better for identifying differences in socioeconomic factors than for highlighting environmental disparities
- Should think of blue areas as ones to bring full regulatory attention to, not just areas for incentives
- Guidance should not have language limiting how the tool can be used
- Don't think regulatory structure in California is ready for this tool to be used
- This tool could be used to have discussions about looking at communities that are overburdened and get all the resources in the state figuring out how to decrease pollution burden rather than imposing all the responsibility on one group
- Should be used as much as possible in regulations and permitting decisions
- All of the materials associated with CalEnviroScreen, including the guidance document, should include language which describes the inequalities in pollution burden that some California communities face and should make a firm commitment to take strong action to reduce the threats in those areas

## General comments and questions:

### Work Group comments/questions

- Will the underlying data be disclosed so that people can do their own analysis?
- Would like to see detailed maps for all communities in the top 10%, not just those selected for insets
- Would be helpful to know the indicator scores in the Google Earth™ map
- Comment deadline should be extended
- What will be the process to reconcile differences between EJSM and CalEnviroScreen if they exist?
- In many of these areas, public works have not given the communities the infrastructure to thrive and this may be a key factor
- The precision reported implies that there's more accuracy than is actually present in the data—quantitative numbers assigned to results of a qualitative analysis
- Are there plans to hold public workshops or webinars after release of final tool?

### Public comments/questions

- Is there potential for varying the score depending on application?
- Sensitivity analysis should be conducted and reported
- Interest from other departments on how they can use the maps for risk communication; more intense colors would allow people to see the differences better
- Appreciate the CEQA clarification
- Is this just one more definition for disadvantaged communities?
- Would be nice to see top 15% of ZIP Codes as well
- Worry that small, highly impacted communities won't be easily seen on large maps
- How can very small communities like mobile home parks in east Coachella Valley be captured
- Should duplicate text of guidance document within the final report
- Census Tract analysis will improve the model but it will still be a broad snapshot
- Seems like the tool has become so complex that its usefulness has actually decreased
- Think about annual reporting process through which all BDOs could report to some task force about refinements, changes, updates, uses, implementations, etc.